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EXAMINER

LI, SUN M

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

10/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Newly submitted **amended** claims 1-23, 28 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The claims now qualify as a Combination/Subcombination type Restriction, that of which was not required previous to the Applicant's newly submitted claims. As such, the claims will currently be subject to a Restriction by Original Presentation using a combination and subcombination rationale. See below for further detail.

2. Invention I: Originally filed claims 1-28 are directed towards a method and system in generating SMS business message having interface component to accept instruction and data from the software, and encoding the data in a specific format to be sent out and process the message and transmit to the user, classified in class 705, subclass 10 or 14.

3. Invention II: In contrast, newly amended claims 1-23, 28 recites a method and system towards user operating with a wizard in GUI to compose the message in SMS format retrieving the data entered from GUI, validating the date retrieved from the server, generating the format and transmit to the user, classified in class 715, subclass 700, 764, or 856.

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4. Inventions I, II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because generating SMS business message is not required for specifying the wizard operation, parsing and routing process as the information in original claim set. Also the description of the operation of wizard and GUI are not required to support the listing in original claim. The subcombination has separate utility such as generating the graphical user interface, invoking and tracking the wizard operation.

5. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Ongoing prosecution still needs to be the same invention. Accordingly, claims 1-23, 28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN LI whose telephone number is (571)270-5489.

The examiner can normally be reached on Monday-Thursday 6:30AM-5 PM EST.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 5712726724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.L/

Examiner, Art Unit 3622

/John Van Bramer/

John Van Bramer

Examiner, Art Unit 3622